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Before the
Federal Communications Commission
Washington, DC

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 202(b),)
Table of Allotments,) RM-
FM Broadcast Stations)
(Harlem, Georgia))

ORIGINAL
FILE

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

GMR Broadcasting, Inc. ("GMR"), permittee of Station WHEY, Channel 236A, Harlem, Georgia, by its attorney, hereby requests that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Harlem, Georgia	236A	236C3

In support thereof, the following is stated:

GMR is the permittee of Station WHEY(FM), Channel 236A, Harlem, Georgia. This Harlem, Georgia allotment can be upgraded to Channel 236C3 in full accord with the Commission's spacing rules. Attached hereto is a Technical Statement which demonstrates that Channel 236C3 can be substituted for Channel 236A with a site restriction of 13.4 kilometers northwest of the community of Harlem, which will prevent any shortspacing from occurring with the currently authorized site for WMKO(FM), Channel 235C3, Millen, Georgia, or any other current authorization or application. Exhibit 1 of the Technical Statement shows the area at which a transmitter for Channel 236C3, Harlem, Georgia can be located in full compliance with the Commission's current spacing rules.

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List A B C D E

Adoption of this proposal will be in the public interest. As demonstrated in the Technical Statement, approval of this proposal will allow Station WHEY(FM) to improve its proposed service to the public by serving an additional 29,643 persons in an increased area of 2,218.9 square kilometers.

Accordingly, GMR respectfully requests that the Commission amend the FM Table of Allotments to substitute Channel 236C3 for Channel 236A pursuant to Section 1.420(g) of the Commission's Rules, and modify GMR's outstanding construction permit to permit operation on Channel 236C3 in lieu of Channel 236A. Insofar as GMR is proposing to upgrade an allotment on the co-channel on which he is authorized to operate, it is not appropriate that the Commission accept any competing expressions of interest for the allotment that may be filed by any outside party.

WHEREFORE, it is respectfully requested that this Petition be adopted, and the Commission request comment on the proposal contained herein.

Respectfully submitted,

GMR BROADCASTING, INC..

By:


Dan J. Alpert

1250 Connecticut Ave., NW
#700
Washington, DC 20036
(202) 637-9158

October 23, 1992

PETITION FOR RULE MAKING
GMR BROADCASTING, INC.
SUBSTITUTE CH 236C3 FOR CH 236A
ORDER WHEY TO CHANGE CHANNELS
HARLEM, GEORGIA
October 1992

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

PETITION FOR RULE MAKING
GMR BROADCASTING, INC.
SUBSTITUTE CH 236C3 FOR CH 236A
ORDER WHEY TO CHANGE CHANNELS
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October 1992

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared of GMR Broadcasting, Inc. ("GMR"), permittee of WHEY, Channel 236A, Harlem, Georgia. GMR requests the Commission amend §73.202(b) of its rules by substituting Channel 236C3 for Channel 236A at Harlem, Georgia. GMR also request that the outstanding construction permit for WHEY be modified to specify operation on Channel 236C3. GMR holds an outstanding construction permit, File #BPH-900522ML, to construct a new facility on Channel 236A at Harlem, Georgia. While GMR is in the process of constructing this facility, it also desires to upgrade to a C3.

PROPOSAL

3. GMR requests that Channel 236C3 be substituted for Channel 236A at Harlem, Georgia, with a site restriction of 13.4 kilometers northwest of the community to avoid shortspacing the construction permit for WMKO, Channel 235C3, Millen, Georgia, at reference coordinates North Latitude 33°

29' 22" and West Longitude 82' 25' 28". From this location, a 3.16 mV/m contour will be placed over Harlem, Georgia. Attached, as Exhibit #1, is a visual depiction of the usable area for Channel 236C3 at Harlem, Georgia. Exhibit #2 is a §73.207 analysis of Channel 236C3 at Harlem, Georgia (from the proposed reference site), and shows that the channel meets all spacing requirements to other Commission licensed, applied for or proposed facilities (with the exception of WHEY, Channel 236A, Harlem, Georgia).

PUBLIC INTEREST ASPECTS

3. An improved WHEY operating as a maximum Class C3 facility from the allocation coordinates could provide service to 257,117 number of persons in 4,767.9 square kilometers. This represents an increase of 29,643 persons in 2,218.9 square kilometers over its present Class A authorization. ¹

1) The C3 population figures are 1990 Census information from the PL 94-171 files versus the population listed in the WHEY application for construction permit, BPH-900522ML.

REQUESTS

4. GMR requests the following change to §73.202(b) of the Commission's rules.

Harlem, Georgia

Present

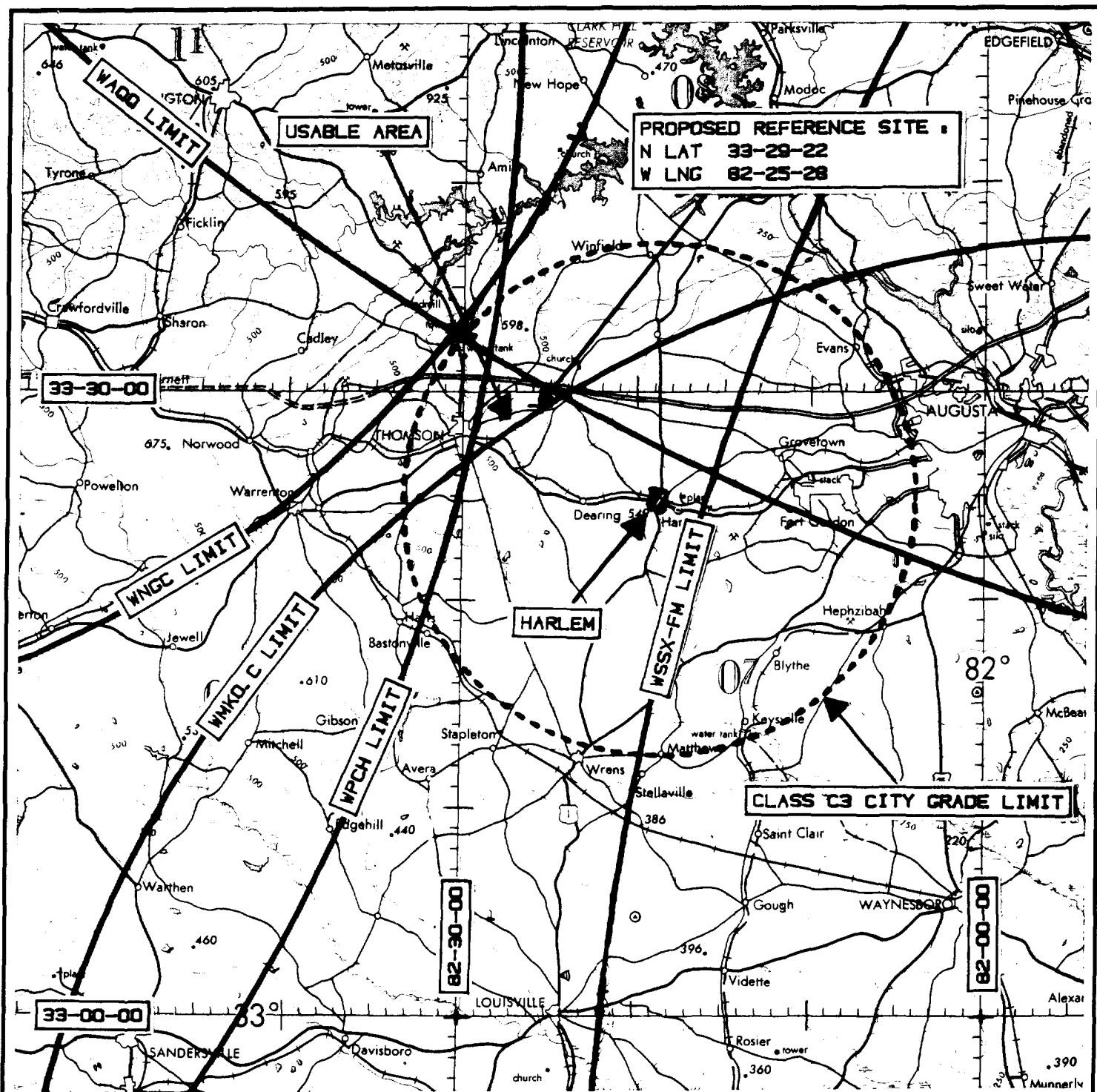
236A

Proposed

236C3

5. When Channel 236C3 is allocated to Harlem, Georgia, GMR will file, on a timely basis, an application to seek authority to make minor changes in the facilities of WHEY.

6. The foregoing technical statement and exhibits were prepared for GMR Broadcasting, Inc., by Bromo Communications, Inc., its technical consultants. All information contained herein is true and accurate to the best of our belief and knowledge. Should any questions arise during the consideration of this proposal, we would welcome the opportunity to discuss the matter by phone at (912) 638-5608. All information contained herein is based on the NTIA FM database as updated in September 1992. We assume no liability for omissions in that database, which may be adverse to the requests contained herein.



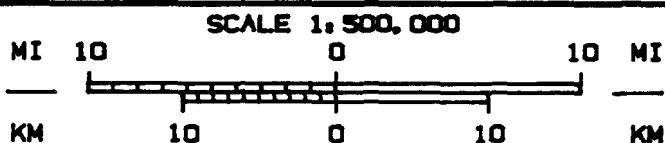
USABLE AREA CHANNEL 236C3

MAP IS A PORTION OF THE 1:500,000 SCALE
ATLANTA SECTIONAL AERONAUTICAL CHART.

EXHIBIT #1

PETITION FOR RULE MAKING
GMR BROADCASTING, INC.
SUBSTITUTE CHANNEL 236C3
FOR CHANNEL 236A
HARLEM, GEORGIA

October 1992



BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

ALLOCATION STUDY FOR CHANNEL 236C3 HARLEM, GEORGIA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C3	DISPLAY DATES
33 29 22 N		DATA 09-30-92
82 25 28 W	Current rules spacings	SEARCH 10-16-92
----- CHANNEL 236 - 95.1 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
<hr/>							
WHEY.C 236A	Harlem		GA	74.6	15.34	142.0	-126.66
CP CN	33 31 34	82 15 55	6.000 kW	100M	9.5	88.3	
	GMR Broadcasting, Inc.				BPH900522ML		921210
WMKO.C 235C3	Millen		GA	148.0	99.01	99.0	0.01
CP ZCN	32 43 57	81 51 43	14.500 kW	122M	61.5	61.5	
	Radio Millen Broadcasting Co.				BPH901214ID		930319
>From Channel 235A per D89-586							
WAQQ	236C	Charlotte	NC	29.3	238.26	237.0	1.26
LI CN	35 21 44	81 09 19	100.000 kW	470M	148.1	147.3	
	Adams Radio of Charlotte, Inc				BLH870513KA		
WPCH	235C	Atlanta	GA	281.2	181.22	176.0	5.22
LI CY	33 48 27	84 20 26	100.000 kW	300M	112.6	109.4	
	Jacor Broadcasting of Atlanta				BLH880106KA		
WNGC	238C	Athens	GA	308.4	106.08	96.0	10.08
LI CN	34 05 02	83 19 18	100.000 kW	386M	65.9	59.7	
	Clake Broadcasting Corporation				BLH840124AB		
WMKO	235A	Millen	GA	148.0	99.19	89.0	10.19
LI CN	32 43 52	81 51 40	4.100 kW	122M	61.7	55.3	
	Radio Millen Broadcasting Co.				BLH891211KP		
WSSXFM 236C	Charleston		SC	107.7	253.05	237.0	16.05
LI CN	32 47 44	79 50 27	100.000 kW	305M	157.3	147.3	
	Faircom Charleston, Inc.				BLH900924KC		

CHANNEL 236C3 ALLOCATION STUDY

EXHIBIT #2
PETITION FOR RULE MAKING
GMR BROADCASTING, INC.
SUBSTITUTE CHANNEL 236C3
FOR CHANNEL 236A
HARLEM, GEORGIA
October 1992

BROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D. C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island)
County of Glynn)

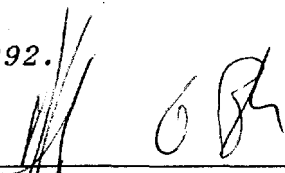
ss:

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by GMR Broadcasting, Inc., permittee of WHEY, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

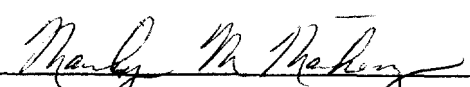
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 20th day of October, 1992.



Jefferson G. Brock
Affiant

Sworn to and subscribed before
me this the 20th day of October, 1992.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995